

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**AMERICAN MILLENNIUM
INSURANCE COMPANY,**

Plaintiff,

vs.

**CARRIERS SOLUTIONS, LLC;
ALEX ONGERI OYARO; and
SARAH SWARTZ, AS THE
PERSONAL REPRESENTATIVE
OF THE ESTATE OF
BRIANA BAXTER,**

Defendants.

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CIVIL ACTION NO. 1:22-cv-291-JB-N

NOTICE OF DISMISSAL

COMES NOW the Plaintiff, American Millennium Insurance Company (hereinafter “AMIC”), and, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), voluntarily dismisses this case and requests the Clerk of this Court to dismiss this action without prejudice. In support of this, AMIC shows the following:

1. This declaratory judgment action was premised upon allegations against AMIC’s putative insureds in the underlying state court suit styled as *Sarah Swartz, as the Personal Representative of the Estate of Briana Baxter v. Carrier Solutions, LLC; Alex Onger Oyaro; et al.*, CV-2021-901681 in the Circuit Court of Mobile County, Alabama.

2. While Oyaró and Carriers Solutions have yet to appear in this case, a confidential *pro tanto* settlement was reached between them and the Estate of Briana Baxter in the underlying state court case. As such, the coverage issues implicated by this Action no longer present a justiciable controversy.

3. The Estate of Briana Baxter, through counsel's signature affixed below, stipulates to dismissal as required by Fed. R. Civ. P. 41(a)(1)(A)(ii). The stipulation of Carriers Solutions and Oyaró are not required because they have yet to appear as indicated by the Clerk's entry of default. *Id.*; *see* Doc. 22.

4. Accordingly, AMIC respectfully requests the Clerk of this Court to enter the dismissal of this Action.

Respectfully submitted this 19th day of June, 2023.

/s/ Allan S. Jones

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CERTIFICATE OF SERVICE

I hereby certify that I have this date, using the CM/ECF filing system which will send notification of such filing, served a copy of the foregoing pleading upon all counsel of record, or by sending the same by certified mail on the 19th day of June 2023:

Carriers Solutions, LLC
c/o Robert Nyarusa
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Arlington, TX 76011

Alex Onger Oyaró
2205 Lincoln Green Circle
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/s/ Allan S. Jones

Of Counsel